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1794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/372,646
Applicant : Marc A. JURGOVAN et al.
Filed : August 12, 1999
TC/A.U. : 1794
Examiner : Drew E. BECKER

Docket No. : 0914-1372-Div1
Customer No. : 06449
Confirmation No. : 1694

Attn: Drew Becker
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

COMMUNICATION

Dear Sir:

Pursuant to the telephonic communication with Examiner Drew Becker, it is our understanding that the original application file relating to the subject patent application may have been lost or misplaced at the U.S. Patent and Trademark Office. We are enclosing the best available copy of the file history from our files for the above-referenced patent application.

Please feel free to contact the undersigned if additional information is needed.

Respectfully submitted,

By: _____

Joseph A. Hynds

Attorney for Applicants

Registration No. 34,627

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,646	08/12/1999	MARC A. JURGOVAN	914-1372DIV1	1694

6449 7590 06/18/2003

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

BECKER, DREW E

ART UNIT

PAPER NUMBER

1761

28

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED/DOCKETING	
ROTHWELL FIGG ERNST & MANBECK	
<i>amb</i> <i>6-24-03</i>	JUN 21 2003
REFERRED TO	<i>RW</i>
FILE NO.	
OK TO FILE	914-1372



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>in</i>
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

June 5, 2003

Drew E Becker
Examiner
Art Unit: 1761



INTERFERENCE INITIAL MEMORANDUM

Count # 1

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties

PARTY Ramsey et al	APPLICATION NO. 09/481,723	FILING DATE 12 January 2000	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not due yet				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
US	09/036,232	06 March 1998	6,030,122	February 29, 2000
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS 42-47			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS 31-33, 35-39, 41			UNPATENTABLE PENDING CLAIMS	
PARTY Jurgovan et al	APPLICATION NO. 09/372,646	FILING DATE 12 August 1999	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
US	09/079,382	15 May 1998	5,972,396	October 26, 1999
The claim(s) of this party corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS 1-26			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count:				
PATENTED OR PATENTABLE PENDING CLAIMS			UNPATENTABLE PENDING CLAIMS	
(Check off each step, if applicable) INSTRUCTIONS				
<input type="checkbox"/> 1. Obtain all files listed above.				
<input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).				
<input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).				
<input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).				
<input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE 05 June 2003	PRIMARY EXAMINER (Signature) <i>John Beck</i>		ART UNIT 1761	TELEPHONE NO. 703-305-0300
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)			TELEPHONE NO.

1. In combination:
 - a) a flexible package having
 - a elastomeric front wall and an elastomeric rear wall;
 - said front wall and said rear wall being sealed together at a top seal;
 - a first zipper part attached to an inside surface of said front wall and having a first engagement member facing said rear wall;
 - a second zipper part attached to an inside surface of said rear wall and having a second engagement member facing said front wall;
 - said first and second engagement members being engaged together;
 - said top seal being manually pinch-grip openable and said first and second engagement members being manually pinch-grip openable under a pinch-grip pulling force applied to said front and rear walls below said engagement members;
 - said front and rear walls having a sufficient strength to resist tearing and deformation under the application of said pinch-grip pulling force during pinch-grip opening; and
 - b) a food product stored inside said package below said first and second engagement members.